

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

FREE SPEECH SYSTEMS, LLC,

DEBTOR.

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Case No. 22-60043

Chapter 11 (Subchapter V)

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

W. Marc Schwartz and Schwartz Associates, LLC

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) Counter-Claimant

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☒ Other (describe) Applicant Professional on Motion to Employ

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: *Order (A) Denying Employment of W. Marc Schwartz as Chief Restructuring Officer, (B) Denying Employment of Staff of Schwartz Associates, LLC in Discharge of Duties as Chief Restructuring Officer, and (C) Granting Related Relief* [Docket No. 181] attached hereto as **Exhibit A**.

2. State the date on which the judgment, order, or decree was entered: September 20, 2022.¹

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

¹ A Motion for Rehearing was filed October 4, 2022 [Docket No. 207] and the Motion for Rehearing was denied January 20, 2023 [Docket No. 402].

<p><u>Appellant</u></p> <p>W. March Schwartz and Schwartz Associates, LLC</p>	<p><u>Counsel</u></p> <p>Michael P. Ridulfo Texas Bar No. 16902020 Federal Bar No. 27086 KANE RUSSELL COLEMAN LOGAN PC 5151 San Felipe, Suite 800 Houston, Texas 77056 Telephone: 713-425-7400 Fax: 713.425.7700 Email: mridulfo@krcl.com</p>
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<p><u>Appellee 20</u></p> <p>Robert Parker</p>	<p><u>Counsel</u></p> <p>Ryan Chapple Cain & Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>

<p><u>Appellee 21</u></p> <p>Alexander E. Jones</p>	<p><u>Counsel</u></p> <p>Vickie L. Driver Christina W. Stephenson Crowe & Dunlevy, P.C. 2525 McKinnon St., Suite 425 Dallas, TX 75201 Tel: 737-218-6187 Email: dallaseservice@crowedunlevy.com</p> <p>Shelby A. Jordan Antonio Ortiz Jordan & Ortiz, P.C. 500 North Shoreline Blvd., Suite 900 Corpus Christi, TX 78401 Tel: 361-884-5678 Email: sjordan@jhwclaw.com aortiz@jhwclaw.com</p>
<p><u>Other Interested Party</u></p> <p>Free Speech Systems, LLC</p>	<p><u>Counsel</u></p> <p>Raymond W. Battaglia Law Office of Raymond W. Battaglia 66 Granburg Circle San Antonio, Texas 78218 Tel: 210-601-9405 Email: rbattagliaw@outlook.com</p>

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

KANE RUSSELL COLEMAN LOGAN PC

Date: February 3, 2022

By: /s/ Michael P. Ridulfo
Michael P. Ridulfo
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COUNSEL TO W. MARC SCHWARTZ AND SCHWARTZ ASSOCIATES, LLC

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of February, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record.

/s/ Michael P. Ridulfo

Michael P. Ridulfo

EXHIBIT A

ENTERED

September 20, 2022

Nathan Ochsner, Clerk

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

FREE SPEECH SYSTEMS, LLC,

DEBTOR.

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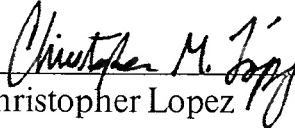
Case No. 22--60043

**(Subchapter V Debtor)
Chapter 11**

**ORDER (A) DENYING EMPLOYMENT OF W. MARC SCHWARTZ AS CHIEF
RESTRUCTURING OFFICER, (B) DENYING EMPLOYMENT OF STAFF OF
SCHWARTZ ASSOCIATES, LLC IN DISCHARGE OF DUTIES AS CHIEF
RESTRUCTURING OFFICER, AND (C) GRANTING RELATED RELIEF**

This application is denied for the reasons stated on the record at the
September 20, 2022 hearing.

Signed: September 20, 2022



Christopher Lopez
United States Bankruptcy Judge